

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

LARRY FITZPATRICK,	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 2:07-CV-528-WHA
	)	
CITY OF MONTGOMERY, ALABAMA,	)	
Defendant.	)	April 22, 2008

**NOTICE CONCERNING SETTLEMENT CONFERENCE  
AND MEDIATION**

Counsel for both parties have discussed potential settlement of this case on Friday April 18, 2008 and Tuesday April 22, 2008. Presently, the parties are not inclined to settle this case. However, the parties have agreed to continue settlement discussions and, once a decision is rendered on Defendant's Motion for Summary Judgment which is now pending before this Court, the parties will re-evaluate settlement options.

The parties have also discussed whether mediation would be appropriate at this juncture. The Plaintiff is agreeable to mediate the case; however, until a decision is made regarding Summary Judgment, the Defendant is not prepared to propose any monetary settlement and therefore, a mediated settlement would not be likely. The parties have agreed to reconsider mediation as an option once this Court renders a decision on Defendant's Motion for Summary Judgment.

Respectfully submitted, this the 22<sup>nd</sup> day of April, 2008.

/s/ Joseph C. Guillot  
JOSEPH C. GUILLOT (GUI011)  
Attorney for the Plaintiff

OF COUNSEL:

**McPHILLIPS SHINBAUM, L.L.P.**

516 S. Perry Street

P.O. Box 64

Montgomery, AL 36101

(334) 262-1911

(334) 263-2321 fax

**CERTIFICATE OF SERVICE**

I hereby certify that this 22<sup>nd</sup> of April, 2008, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Wallace Mills, Esq.

City of Montgomery Attorney's Office

103 N. Perry Street, Room 200

Montgomery AL 36104

/s/ Joseph C. Guillot  
OF COUNSEL